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22 APPLE INC.

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24 UNITED STATES DISTRICT COURT  
25 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
26 SAN FRANCISCO DIVISION

27 APPLE INC.,

Case No. 08-3251 WHA

28 Plaintiff,

**DECLARATION OF DR. JOHN P.J.  
KELLY IN SUPPORT OF APPLE INC.'S  
MOTION FOR SUMMARY JUDGMENT  
REGARDING PSYSTAR'S COPYRIGHT  
INFRINGEMENT, DMCA VIOLATIONS  
AND CERTAIN AFFIRMATIVE  
DEFENSES**

v.

29 PSYSTAR CORPORATION, a Florida  
30 corporation,

Defendant.

31 AND RELATED COUNTERCLAIMS.

Hearing Date: November 12, 2009  
Hearing Time: 8:00 a.m.  
Courtroom: 9  
Judge: Hon. William Alsup  
Trial Date: January 11, 2010

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33 **CONFIDENTIAL – ATTORNEYS' EYES ONLY  
34 FILED UNDER SEAL  
35 PURSUANT TO PROTECTIVE ORDER**

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